

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ONEIDA-----X  
FRANK WALTERS,

Plaintiff,

-against-

CAMDEN CENTRAL SCHOOL DISTRICT,  
CAMDEN CENTRAL SCHOOL DISTRICT BOARD  
OF EDUCATION, JOHN AND JANE DOE 1-30,  
teachers, supervisors, employees, in their official and  
individual capacities, whose identities are presently  
unknown to Plaintiff,Defendants.  
-----X

Index No.

Date Purchased:


Plaintiff designates  
ONEIDA

County as the place of trial.

The basis of the venue is  
Defendants' place of  
business.SUMMONS

To the above named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
November 6, 2019  
\_\_\_\_\_  
MICHAEL G. DOWD  
600 Third Avenue, 15<sup>th</sup> Floor  
New York, NY 10016  
(212) 751-1640

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By: Gerard J. Sweeney, Esq.

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Attorneys for Plaintiff

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ONEIDA

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FRANK WALTERS,

Plaintiff,

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CAMDEN CENTRAL SCHOOL DISTRICT,  
CAMDEN CENTRAL SCHOOL DISTRICT BOARD  
OF EDUCATION, JOHN AND JANE DOE 1-30,  
teachers, supervisors, employees, in their official and  
individual capacities, whose identities are presently  
unknown to Plaintiff,

**VERIFIED COMPLAINT**

Defendants.  
-----X

Plaintiff, FRANK WALTERS, complaining of Defendants, hereby alleges the following:

**JURISDICTION AND VENUE**

1. This action is timely commenced pursuant to the New York State Child Victims Act, dated February 14, 2019, and CPLR § 214-g.
2. This Court has jurisdiction pursuant to CPLR § 301 as Defendants' principal place of business is in New York and because much of the unlawful conduct complained of herein occurred in New York.
3. Venue is proper pursuant to CPLR § 503 because Oneida County is the principal place of business of Defendants. In addition, many of the events giving rise to this action occurred in Oneida County.

**AS AND FOR A FIRST CAUSE OF ACTION:****NEGLIGENT SUPERVISION**

4. The Plaintiff, FRANK WALTERS (hereinafter "PLAINTIFF") was born on May 24, 1955. He is a resident of Oneida County, New York.
5. PLAINTIFF was born with a medical condition known as Strabismus. Strabismus prevents a person's eyes from aligning simultaneously under normal conditions. PLAINTIFF spent the earlier years of his life with a patch over his stronger eye in order to strengthen his weaker eye. This inhibited PLAINTIFF'S eyesight prevented him from seeing clearly when he was a child.
6. Plaintiff attended CAMDEN ELEMENTARY SCHOOL from 1960, when he entered Kindergarten (K), through 1966, when he graduated from Sixth (6<sup>th</sup>) grade.
7. Defendant CAMDEN CENTRAL SCHOOL DISTRICT (hereinafter "DISTRICT") is at all material times a public school district existing under the laws of the State of New York.
8. CAMDEN ELEMENTARY SCHOOL is at all material times a public school existing in Oneida County, New York.
9. CAMDEN ELEMENTARY SCHOOL is an elementary school located at 1 Oswego Street, Camden, New York 13316 and is a part of CAMDEN CENTRAL SCHOOL DISTRICT.
10. Defendant CAMDEN CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION (hereinafter "BOARD OF EDUCATION") is at all material times

a municipal corporation duly organized and existing under, and by virtue of the State of New York.

11. CAMDEN CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION is located at 51 Third Street, Camden, New York 13316 and is a part of DISTRICT.
12. JOHN AND JANE DOE 1-30, whose names are presently unknown, were members of BOARD OF EDUCATION during all material times herein. JOHN AND JANE DOE 1-30 are the persons and/or entities who run, manage, operate, supervise, oversee, fund, are joint venturers, parent organizations, are the subsidiaries, are contractually related and/or are principals and/or agents of the business, entities, and/or principals, who owed a duty of care to PLAINTIFF and breached that duty of care.
13. JOHN AND JANE DOE 1-30 are the persons and/or entities who were responsible for the oversight and administration of CAMDEN ELEMENTARY SCHOOL, including but not limited to hiring CAMDEN ELEMENTARY SCHOOL's teachers and department heads.
14. Defendants DISTRICT, BOARD OF EDUCATION, and JOHN AND JANE DOE 1-30 will be referred to collectively as "DEFENDANTS".
15. Upon information and belief, CALVIN MOSHER (hereinafter "MOSHER") was hired by Defendants as a School Psychologist at CAMDEN ELEMENTARY SCHOOL. Upon information and belief, MOSHER remained an employee at CAMDEN ELEMENTARY SCHOOL through November, 1963.
16. Upon information and belief, when MOSHER met PLAINTIFF in the approximately 1961, he was an employee and agent of DEFENDANTS acting

within the course and scope of his authority as a CAMDEN ELEMENTARY SCHOOL Psychologist. MOSHER continued acting as an employee and agent of DEFENDANTS through the entire period when MOSHER sexually abused PLAINTIFF.

17. Upon further information and belief, MOSHER was convicted in 1965 in Oneida County of sexually abusing several boys. Specifically, MOSHER plead guilty<sup>1</sup> to sodomy in violation of section 690 of the Penal Law.
18. PLAINTIFF first met MOSHER in around 1961 when PLAINTIFF was in the First (1<sup>st</sup>) grade.
19. Upon information and belief, MOSHER's office was on the campus of CAMDEN ELEMENTARY SCHOOL.
20. Commencing in around, 1961, MOSHER began a process of grooming PLAINTIFF with the goal of sexually abusing him.
21. The grooming included but was not limited to MOSHER offering to take PLAINTIFF on rides in his airplane because he knew of PLAINTIFF'S love for and fascination with airplanes.
22. This grooming behavior occurred exclusively on the CAMDEN ELEMENTARY SCHOOL property.
23. At all material times, PLAINTIFF was aware of no CAMDEN ELEMENTARY SCHOOL rules or regulations or policies concerning or addressing sexual abuse, sexual harassment, and sexual misconduct of CAMDEN ELEMENTARY SCHOOL students, such as PLAINTIFF, by SCHOOL employees such as MOSHER.

24. During all material times, PLAINTIFF received no training or information in any form, including but not limited to, classroom instruction or oral presentation, through video or written document on how to deal with sexual misconduct, sexual abuse, sexual boundary violations or sexually harassing behavior by CAMDEN ELEMENTARY SCHOOL teachers and/ or staff on students like himself.
25. Between about September 1961 and June 1963 MOSHER sexually abused PLAINTIFF. PLAINTIFF was brought to a storage room for counseling with MOSHER. MOSHER instructed PLAINTIFF to lock the door, get a Kleenex tissue and then sat PLAINTIFF on his lap and would unbuckle PLAINTIFF'S pants and open PLAINTIFF'S zipper. MOSHER would then unbuckle his own pants and open his own zipper. MOSHER trained PLAINTIFF to sit very close to him on his left side, because PLAINTIFF is right-handed and taught PLAINTIFF how to give him a hand job with his right hand while he fondled PLAINTIFF'S genitals. MOSHER didn't always unzip PLAINTIFF'S pants. After a while, MOSHER had also trained PLAINTIFF to unbuckle his own belt and unzip his own pants so that he could fondle PLAINTIFF'S genitals skin-to-skin. While he fondled PLAINTIFF'S genitals, MOSHER instructed PLAINTIFF to rub MOSHER's penis until MOSHER ejaculated into PLAINTIFF'S hands. MOSHER instructed PLAINTIFF to wipe MOSHER's semen off of PLAINTIFF'S hands with the Kleenex tissue and then walked PLAINTIFF to the bathroom to wash PLAINTIFF'S hands.

26. MOSHER assured PLAINTIFF that if PLAINTIFF ever told anyone about the sexual abuse that PLAINTIFF'S parents would die or PLAINTIFF'S Strabismus would return and PLAINTIFF would lose his eyesight.
27. In total, PLAINTIFF believes he was sexually abused at least twenty-five (25) times between about September, 1961 and June, 1963.
28. Upon information and belief, during all material times herein, when PLAINTIFF was enrolled in school and communicating and otherwise interacting with MOSHER, he was entrusted by his parent to the care of Defendants and during such periods the Defendants were acting in the capacity of *in loco parentis* because Defendants assumed custody and control over him as a minor child and as a student at the school.
29. Upon information and belief, MOSHER used his position of trust and authority vested in him by the Defendants for the purpose of sexually abusing PLAINTIFF.
30. Upon information and belief, the sexual abuse of PLAINTIFF by MOSHER was foreseeable.
31. Upon information and belief, at all material times, Defendants had the duty to exercise the same degree of care and supervision over the students, including PLAINTIFF, under their control as a reasonably prudent parent would have exercised under the same circumstances. This means that Defendants assumed a duty of care to protect the safety and welfare of PLAINTIFF as a student at CAMDEN ELEMENTARY SCHOOL.
32. At all material times, Defendants owed a duty to PLAINTIFF to provide a safe and nurturing educational environment, where he would be protected from



teachers and/ or staff like MOSHER who were under the employment and control of the Defendants.

33. Upon information and belief, during MOSHER's employment by the CAMDEN ELEMENTARY SCHOOL and while PLAINTIFF was a student in CAMDEN ELEMENTARY SCHOOL's care, Defendants failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
34. During all material times, Defendants owed a special duty to PLAINTIFF that required Defendants to take reasonable steps to anticipate such behavior from its employees like MOSHER, which threatened the safety of students including PLAINTIFF.
35. At all material times, DEFENDANTS had a duty to properly supervise MOSHER as their employee and because of their duty of care to PLAINTIFF.
36. At all material times, PLAINTIFF reposed his trust and confidence as a student and minor child in DEFENDANTS, who occupied a superior position of influence and authority over PLAINTIFF to provide PLAINTIFF with a safe and secure educational environment.
37. Upon information and belief, at all material times, DEFENDANTS knew or should have known of MOSHER's propensity to sexually abuse minor students.
38. Upon information and belief, the DEFENDANTS negligently failed to adequately implement a reasonable or effective supervisory system, plan, protocol or procedure for supervising personnel so as to prevent inappropriate, offensive, sexual and/or abuse or contact of students by DEFENDANTS' employees.

39. Upon information and belief, the failure to supervise, includes but is not limited to, failure to supervise MOSHER's office during instructional time and non-instructional time when he associated with students and the failure to adequately supervise students during non-instructional time on the CAMDEN ELEMENTARY SCHOOL's campus.
40. Upon information and belief, the injury to PLAINTIFF resulted from DEFENDANTS' failure to provide PLAINTIFF the supervision of a parent of ordinary prudence under the same circumstances.
41. Upon information and belief, the injuries to PLAINTIFF were a foreseeable consequence of DEFENDANTS' negligent failure to supervise MOSHER and PLAINTIFF. Said injuries were caused by or contributed to by the carelessness, recklessness and the grossly negligent conduct of the DEFENDANTS, their agents, servants and/or employees, in failing to properly and adequately supervise the conduct of MOSHER as it related to the PLAINTIFF.
42. DEFENDANTS were wanton, reckless, officially tolerant and deliberately indifferent to abuse of PLAINTIFF by MOSHER.
43. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and PLAINTIFF has

become and will continue to be obligated to expend sums of money for medical expenses.

44. That by reason of the foregoing, DEFENDANTS are liable to PLAINTIFF for punitive and exemplary damages.
45. It is hereby alleged pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to, CPLR § 1602(7) and 1602(11).
46. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION:**

**NEGLIGENT RETENTION**

47. PLAINTIFF repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
48. Upon information and belief, as more fully alleged above, DEFENDANTS' duty of care to the PLAINTIFF included a duty not to retain an employee like MOSHER who would use his position of authority and influence to harm students such as PLAINTIFF.
49. Upon information and belief, DEFENDANTS knew or should have known that MOSHER was grooming PLAINTIFF for the purpose of sexually abusing him and failed to take any steps to stop the abuse or prevent harm to PLAINTIFF.

50. Upon information and belief, DEFENDANTS knew or should have known that MOSHER was sexually abusing PLAINTIFF and/or knew or should have known of his propensity to sexually abuse minor students with whom he came in contact.
51. When PLAINTIFF was in their care, said DEFENDANTS failed to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.
52. DEFENDANTS were wanton, reckless, officially tolerant and deliberately indifferent to abuse of PLAINTIFF by MOSHER.
53. DEFENDANTS are liable to PLAINTIFF as a result of their recklessness, official tolerance and deliberate indifference to the harm caused to PLAINTIFF by MOSHER.
54. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and PLAINTIFF has become and will continue to be obligated to expend sums of money for medical expenses.
55. That by reason of the foregoing, DEFENDANTS are liable to PLAINTIFF for punitive and exemplary damages.
56. It is hereby alleged pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the

exemptions provided in CPLR § 1602, including but not limited to, CPLR § 1602(7) and 1602(11).

57. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION:**


**NEGLIGENT FAILURE TO PROVIDE A SAFE AND SECURE ENVIRONMENT**

58. PLAINTIFF repeats and realleges the above paragraphs of this Complaint as if fully set forth herein.
59. At all material times, as more fully set forth above, DEFENDANTS had the duty to exercise the same degree of care and supervision over the students under their control as a reasonably prudent parent would have exercised under similar circumstances.
60. During all material times, DEFENDANTS owed a special duty to PLAINTIFF as a student. This special duty required DEFENDANTS to take reasonable steps to anticipate such threats from its employees like MOSHER which threatened the safety of PLAINTIFF.
61. Upon information and belief, by virtue of both their duty of care to PLAINTIFF and the positions of authority and influence they exercised over him, DEFENDANTS had a duty to PLAINTIFF to provide him a reasonably safe and secure environment at CAMDEN ELEMENTARY SCHOOL.
62. Upon information and belief, DEFENDANTS failed to provide a reasonably safe environment to PLAINTIFF by failing to exercise the degree of care that a reasonably prudent parent would have exercised under similar circumstances.

63. As a result, DEFENDANTS are liable to PLAINTIFF for their negligent failure to provide a reasonably safe and secure environment.
64. By reason of the foregoing, PLAINTIFF sustained physical and psychological injuries, including but not limited to, severe emotional distress, depression, humiliation, embarrassment, fright, anger, anxiety, and loss of educational opportunity and has been caused to suffer pain and mental anguish, emotional and psychological damage as a result thereof, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature; and PLAINTIFF has become and will continue to be obligated to expend sums of money for medical expenses.
65. That by reason of the foregoing, DEFENDANTS are liable to PLAINTIFF for punitive and exemplary damages.
66. It is hereby alleged pursuant to CPLR § 1603 that the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602, including but not limited to, CPLR §§ 1602(7) and 1602(11).
67. That the amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, the Plaintiff demands judgment against the Defendants, together with compensatory and punitive damages, and the interest, costs and disbursements pursuant to the causes of action herein.

Dated: New York, New York  
November 6, 2019



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MICHAEL G. DOWD  
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(212) 751-1640

SWEENEY, REICH & BOLZ, LLP  
By: Gerard J. Sweeney, Esq.  
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*Attorneys for Plaintiff*


**VERIFICATION BY ATTORNEY**

MICHAEL G. DOWD, an attorney being duly admitted before the courts of the State of New York, hereby affirms the following under penalties of perjury:

That he is an attorney for the Plaintiff in the above-entitled action with offices located at 600 Third Ave, New York, New York; that he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof; that the same is true to his knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters he believes them to be true.

That the reason why this verification is made by deponent instead of Plaintiff is because Plaintiff is not within the County of New York where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the VERIFIED COMPLAINT not stated to be upon his knowledge are based upon conversations with the Plaintiff and other writings relevant to this action.

Dated: New York, New York  
November 6, 2019

  
\_\_\_\_\_  
MICHAEL G. DOWD  
Attorney for Plaintiff  
600 Third Avenue, 15<sup>th</sup> Floor  
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